

AGENDA

CITY OF SEDONA PLANNING AND ZONING COMMISSION

PUBLIC HEARING TUESDAY SEPTEMBER 7, 2010 5:30 P.M.

Pursuant to ARS 38-431.02 notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a public hearing open to the public on **Tuesday, September 7, 2010 at 5:30 p.m.**, in the **City Council Chambers**, located at 102 Roadrunner Drive, Sedona, Arizona. **NOTE: Times noted on the agenda are approximations only and may vary.**

The Order of Business shall be as follows:

(15 minutes 5:30-5:45 for agenda items 1-4)

1. Verification of Notice, Call to Order, Pledge of Allegiance and Roll Call
2. Commission/Staff announcements and summary of current events by Chairman/staff.
3. Approval of minutes for the following meetings:

Tuesday, August 17, 2010 (R)

4. Public Forum – for items not listed on the agenda within the jurisdiction of the Planning and Zoning Commission – limit of three minutes per presentation. (Note that the Commission may not discuss or make any decisions on any matter brought forward by a member of the public).
5. **CONSIDERATION OF THE FOLLOWING REQUEST(S) THROUGH PUBLIC HEARING PROCEDURES: (60 minutes 5:45 – 6:45)**

- A. **Discussion/possible action regarding a request for renewal of the Conditional Use Permit for the Red Rock Springs Farmer's Market (CUP2005-4)**, an outdoor produce and products market located at Los Abrigados. The property is located at 133 Portal Lane and is approximately 0.27 acres. Current zoning is C-1 (General Commercial). A general description of the area affected includes but is not necessarily limited to the area south of the intersection of SR 179 and Portal Lane. The property is further identified as Assessor's Parcel Number: 401-18-012C.

Applicant: ILX Resorts Incorporated
Case Number: CUP2010-4

- B. **Discussion/possible action regarding a request for renewal of the Conditional Use Permit for the Pink Jeep Paint Booth (CUP2005-2)**, a vehicle painting facility servicing Pink Jeeps only. The property is located at 2090 West SR 89A, behind Enterprise Rent-a-Car and is approximately 0.67 acres. Current zoning is C-1 (General Commercial). A general description of the area affected includes but is not necessarily limited to the area north of SR 89A between Goodrow Lane and

Coffee Pot Drive. The property is further identified as Assessor's Parcel Number:
408-24-030.

Applicant: Northwest Ventures, LLC
Case Number: CUP 2010-5

6. Discussion/possible action regarding future meeting dates and agenda items: (10 minutes
6:45 - 6:55)

Thursday, September 16, 2010 – 3:30 – Worksession
Tuesday, September 21, 2010 – 3:30 p.m. – Regular
Thursday, September 30, 2010 – 3:30 p.m. – Work session
Tuesday, October 5, 2010 – 5:30 p.m. – Regular

7. Adjournment (6:55 pm)

NOTE: This is to notify the public that members of the City Council and other City Commissions and Committees may attend the Planning and Zoning Commission meeting. While this is not an official City Council meeting, because of the potential that four or more Council members may be present at one time, public notice is therefore given for this meeting and/or event.

NOTE: Pursuant to A.R.S. §38-431.02(B) notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold the above open meeting. The Planning and Zoning Commission may vote to go into executive session on any agenda item, pursuant to A.R.S. §38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.

The City Council Chambers is accessible to people with disabilities, in compliance with the Federal "504" and "ADA" laws. Those with needs for special typeface print, may request these at the Clerk's Office. All requests should be made twenty-four hours prior to the meeting.



John O'Brien, Director
Department of Community Development



For D
Alex Gillon, Chairman
Planning and Zoning Commission

Posted Date: 8/26/10

Time: 4:00pm By: DT/ene



DEPARTMENT OF COMMUNITY DEVELOPMENT
Current Planning Division

104 Roadrunner Drive
Sedona, Arizona 86336

Tel: 928-203-5044
Fax: 928-204-7124
TDD: 928-282-3113
bescobar@sedonaaz.gov

Memo

To: Planning and Zoning Commission

Through: John O'Brien, Director *JOB*
Nicholas Gioello, Senior Planner *NG*
Department of Community Development

From: Beth Escobar, Associate Planner *BE*

Meeting Date: September 7, 2010

Applicant: Red Rock Springs Farmer's Market/ILX Resorts

Case number: CUP2010-4

Background:

The Red Rock Springs Farmer's Market has been in operation at the current location under a Conditional Use Permit since September of 2000 (CUP2000-17). This permit was renewed in 2005. (CUP2005-4). Per Section 620.C of the Land Development Code, the Conditional Use Permit is for the open-air business component of the market.

Project Summary:

- The Market is located next to the Los Abrigados Resort & Spa on an approximately 0.25-acre parcel that is zoned C-1. The market is enclosed on three sides by existing buildings and the produce stands are fully covered by canopies.
- The outdoor courtyard where the Market is established is approximately 1,500 square feet in area. The market consists of one entry tent, one long tent and four display cabinets.
- There is an additional 800 square feet of interior space that is used as part of the market. This inside retail use is permitted in the C-1 Zoning District.
- The Market is designed as an amenity for guests of the resort.
- Arizona grown produce, southwestern spices and condiments and other small grocery items are sold at the market.

- No alcoholic beverages are sold at the Market.
- The outdoor component of the Market operates from 9:00 am to 5:00 pm on Mondays, Thursdays, Fridays, Saturdays and Sundays.
- The courtyard area is well screened by existing landscaping and walls.
- Parking for customers of the Market is provided in the general parking lot for Los Abrigados Resort. As part of the original Conditional Use Permit application in 2000, a parking study was cited that indicates there is a surplus of parking on the site for all current uses.
- The Market has an active Health License from Coconino County.

REVIEW AGENCY COMMENTS

CITY OF SEDONA REVENUE MANAGEMENT

- The Market provides sales tax to the City. This office supports the renewal request.

ADOT

- As with all business enterprises, no directional signing or advertising is permitted to be placed in the ADOT right-of-way.

SEDONA FIRE DISTRICT

- During a visit to the site, the Fire Marshal noted that one of the electrical outlets needed repair. This has subsequently been repaired and reinspected by the Fire Marshal.
- The Fire Marshal also noted tents were in need of replacement. This has been done.

No other review agency comments have been submitted.

Compliance with Conditional Use Permit findings

Section 402.06 of the Land Development Code requires that the following findings shall be made before granting a Conditional Use Permit:

- A. That the proposed location of the conditional use is in accordance with the objectives of the Code and the purpose of the zoning district in which the site is located.*
- B. That the granting of the Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this application shall include:*
 - 1. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination.*

2. Any hazard to persons and property from possible explosion, contamination, fire or flood.
 3. Any impact on surrounding area resulting from unusual volume or character of traffic.
- C. That the characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area.
- D. That the proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances.
- E. That the proposed expansion or change of a non-conforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.

In staff's opinion the application is in compliance with these findings. The Red Rock Springs Farmer's Market is designed to provide an amenity to guests of Los Abrigados Resort. It complements the resort's operation while having minimal impact on the surrounding area. During its ten years of operation no complaints have been submitted regarding this use. Staff is supportive of renewing the Conditional Use Permit for the five-year period the applicant is requesting. During this time period staff will continue to regularly monitor the activity at this location.

Staff, as well as the applicant, sent notices of this application to all property owners within a 300-foot radius. Three letters of support from the properties adjacent to the project have been submitted. No other correspondence regarding this project has been received.

RECOMMENDATION

Based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings of the Land Development Code, staff recommends approval of case number CUP2010-4 for a period of five years, subject to all applicable ordinance requirements and the attached conditions of approval:

Recommended Motion for Approval

I move for approval of case number CUP2010-4, based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the staff report.

Alternative Motion for Denial

I move for denial of case number CUP2010-4, based on the following findings (*specify findings*).

Attachments:

1. Letter of Intent
2. Vicinity Map
3. Aerial Map
4. Aerial Map – wide view
5. Site Plan
6. Site Photos
7. September 5, 2000 staff report (original permit)
8. Applicant's Citizen Participation Report

CONDITIONS OF APPROVAL
Red Rock Springs Farmers Market -- CUP2010-4
(Related applications: CUP2000-17 & CUP2005-4)

1. The Conditional Use Permit approval shall be valid for a period of five (5) years and shall expire on September 7, 2015. At least 63 days prior to the expiration date, the applicant shall file a renewal application of the Conditional Use Permit. At that time the Planning and Zoning Commission shall reevaluate the Red Rock Springs Farmer's Market based on consistency with City ordinances and the conditions of approval, and compatibility with the surrounding area. During this period, staff will complete annual reviews and assessments of the Red Rock Springs Farmer's Market to ensure that its operation is consistent with Land Development Code requirements and applicable conditions of approval.
2. All requirements of the Sedona Fire Department shall be satisfied.
3. The Market shall maintain its health certification with Coconino County.



RECEIVED
JUN 21 2010

**CITY OF SEDONA
COMMUNITY DEVELOPMENT**

June 21, 2010

VIA HAND DELIVERY

Planning and Zoning Commission
City of Sedona
104 Road Runner Drive
Sedona, Arizona 86336

Re: Letter of Intent – Conditional Use Permit
Project Name: Red Rock Springs Farmers Market

Dear Sir or Madam:

The applicant, ILX Resorts Incorporated is requesting a Conditional Use Permit for the continued operation of the outdoor farmers market, Red Rock Springs Farmers Market located at 160 Portal Lane, Sedona, Arizona.

The existing Farmers Market is situated on a separate parcel of land adjacent to the Los Abrigados Resort & Spa. The parcel is a 27-acre site and is currently zoned C-1 (General Commercial). The majority of the market is held within a courtyard that is enclosed on three sides by existing buildings as follows:

North side – Sedona Station Art Gallery
South side – Existing office building and planters
West side – Existing building used as retail space associated with the market
East side – Partially enclosed by existing office and Portal Lane

There have been no material changes to the operation or the function of the buildings.

The applicant proposes that the Farmers Market will continue to serve as an amenity or accessory use to the existing resort, and clients of the market will be guests of the resort, Sedona Spa members and other visitors.

The existing Farmers Market is approximately 800 square feet of indoor retail use with approximately 1,500 square feet of outdoor courtyard with produce bins, tables and other display booths. Presently, the outdoor display is covered by two existing canvas tent structures that were slightly damaged in a recent storm. A new dark green colored canopy will replace the existing canvas tent structures. The new canopy was ordered on June 17, 2010 and is expected to arrive mid-July.

The applicant is requesting the Conditional Use Permit for the area within the courtyard where products are displayed and sold outdoors. The use category is Category A Retail (general retail sales) as defined in the Land Development Code.

Items that are sold at the Farmers Market include fresh Arizona grown produce, southwestern spices and condiments and other small limited grocery items. The market does not include convenience store retail sales (i.e., no food service sales, no alcoholic beverages, etc.). The outdoor display area is open Mondays, Thursdays, Fridays, Saturdays and Sundays (weather permitting) from about 9 A.M. to 5 P.M. Based upon demand, the Farmers Market may operate seven (7) days a week.

The courtyard is screened from Portal Lane by an existing wall and wrought iron fence and landscaping, including a large sycamore tree. Primary access to the market is from Portal Lane. Secondary access is provided via existing stairs to the adjoining Sedona Station property to the north and a ramp to the Los Abrigados Resort & Spa to the south.

Parking is provided as part of the overall parking provided for Los Abrigados Resort & Spa; and primarily guests and visitors to the resort use the existing market. No additional exterior lighting is proposed for the existing Farmers Market.

Thank you for your consideration on our request for the Conditional Use Permit for the Red Rock Springs Farmers Market. If you have any questions or need additional information, please call me at (928) 282-0195.

Sincerely,



Edward S. Zielinski
Executive Vice President, Hotel Operations

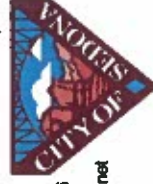
ESZ/mp

Red Rock Springs Farmer's Market

City Limits
USFS Limits
City Boundary
Street Centerline
Highways
Parcels - CDDATA

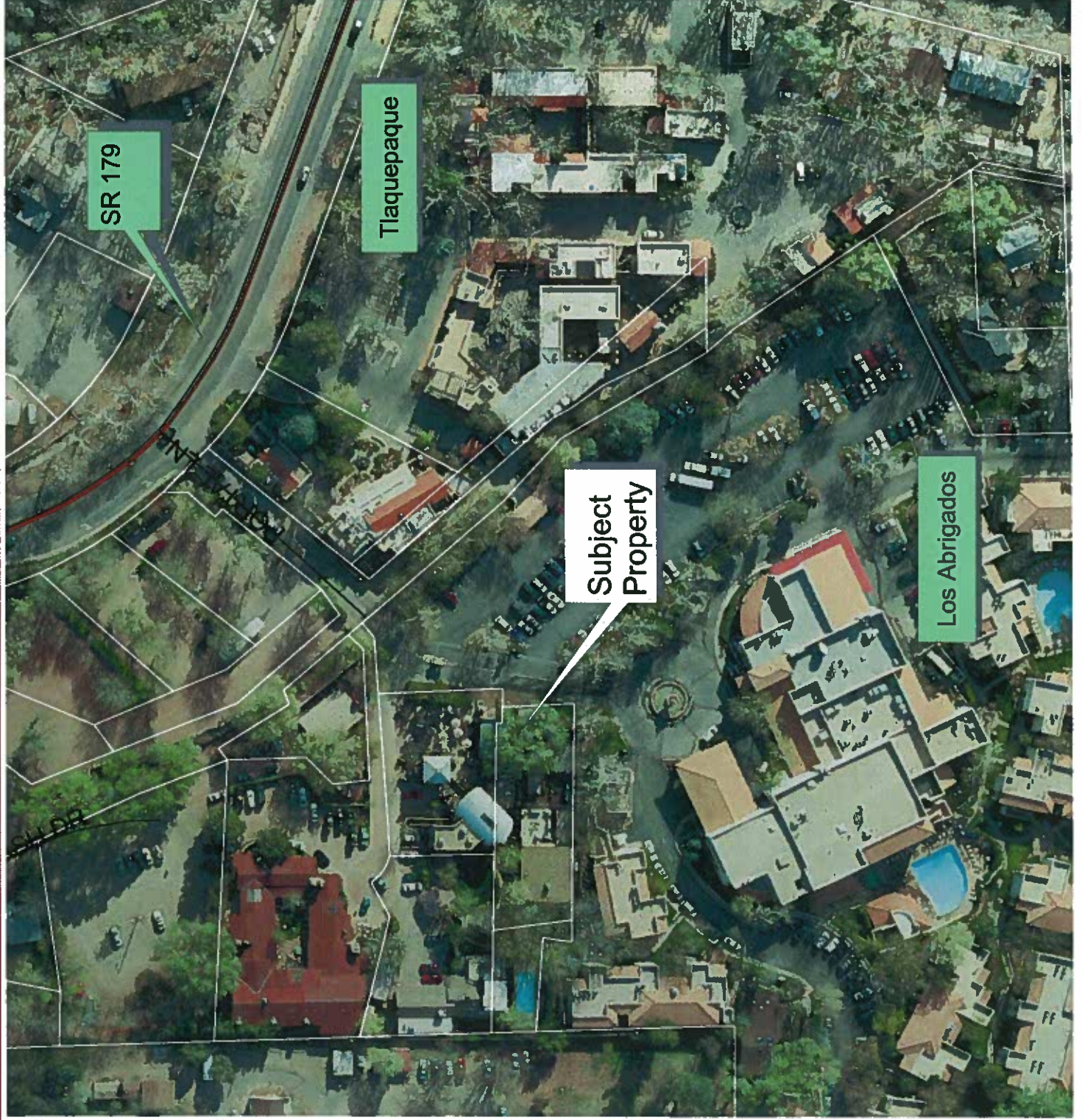


This map has been provided for informational purposes only and is not necessarily engineering accuracy. Every effort has been made to ensure this map is as accurate as possible. The City of Sedona shall assume no liability for the information contained on this map. Topographic information used is from 1988 & is not updated.

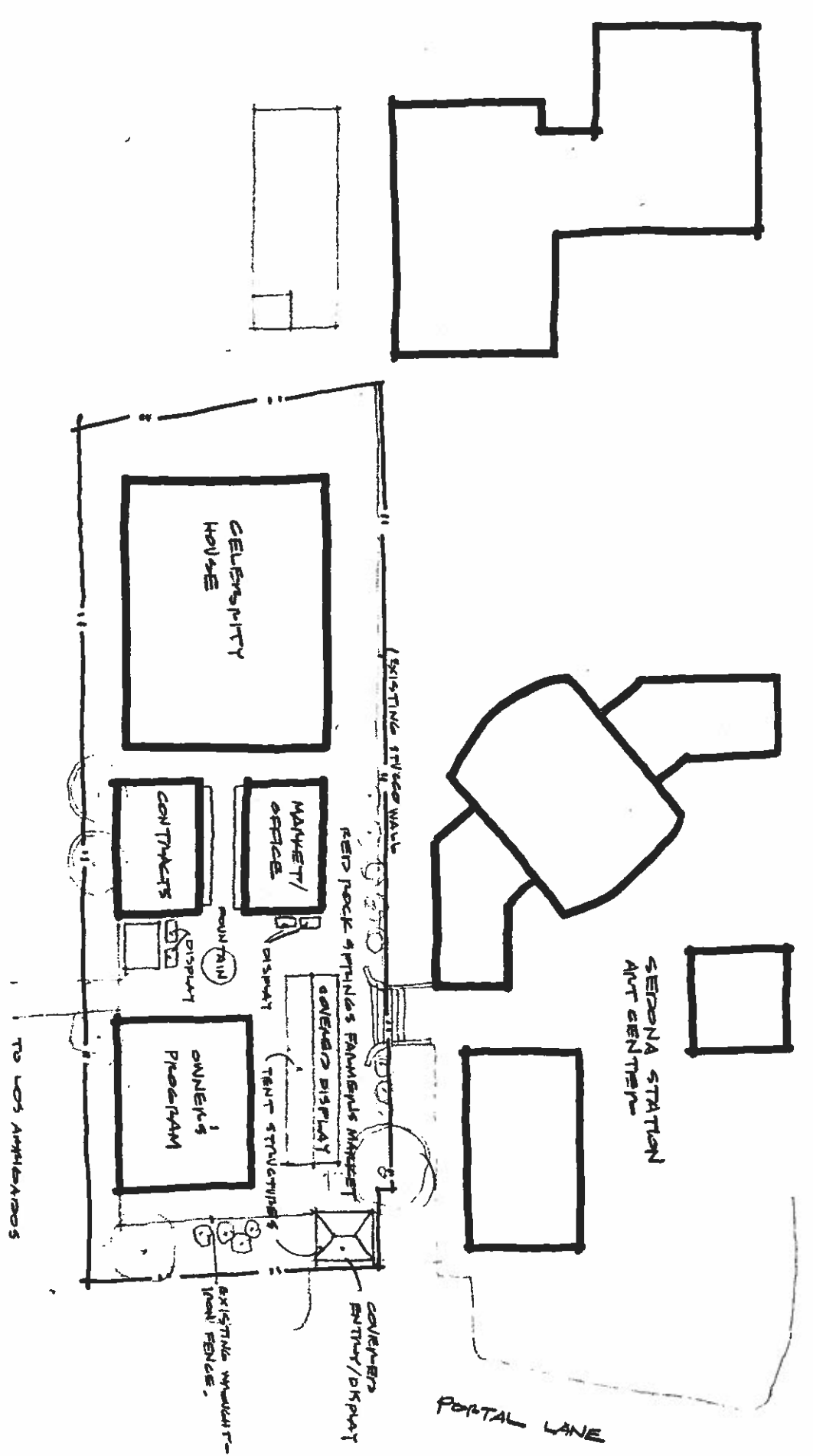


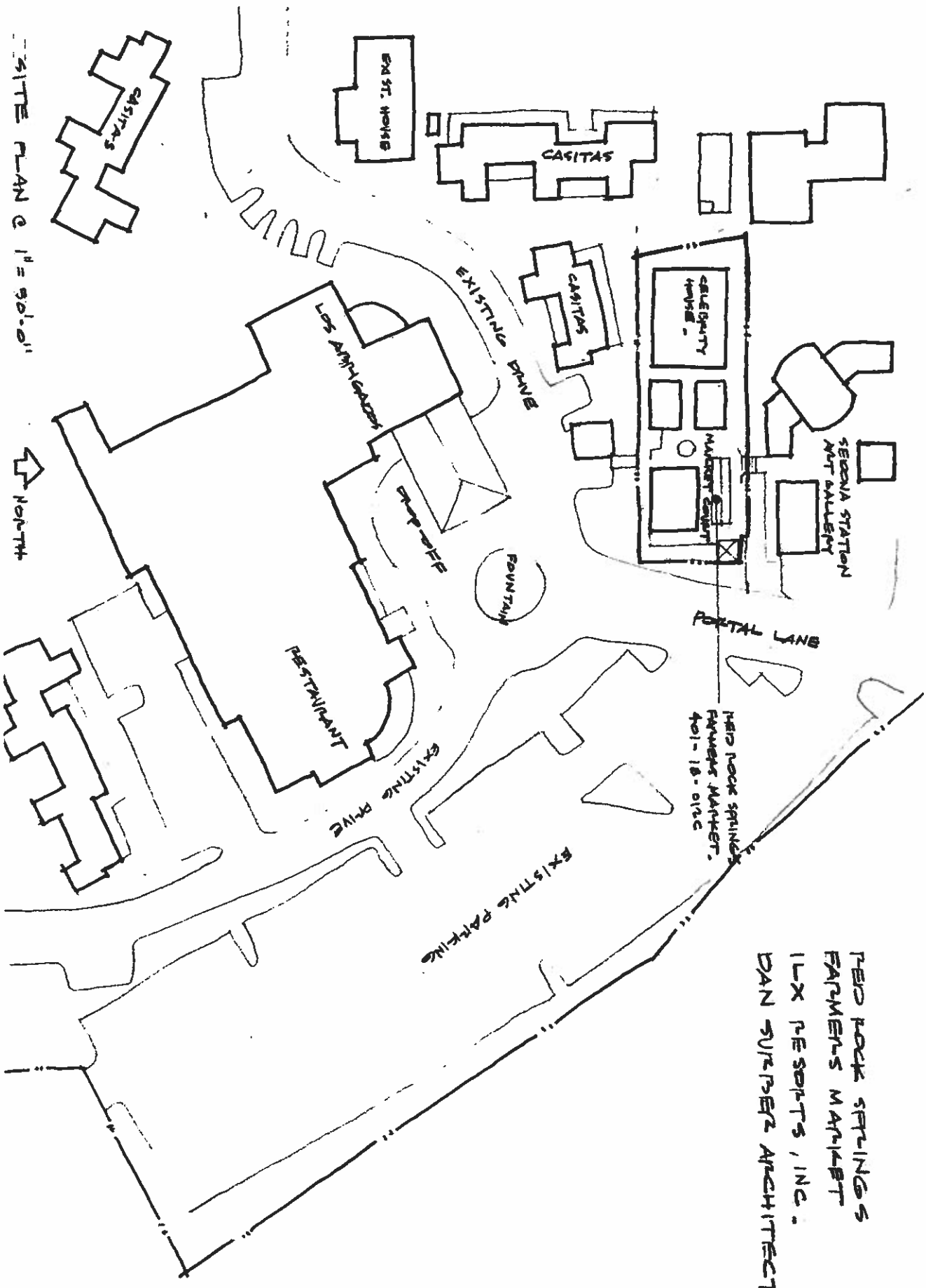
City of Sedona
102 Roadrunner Drive
Sedona, Arizona 86336
(928) 282-1154
<http://www.city.sedona.net>

00 0 100 Feet



BUILDING LAYOUT @ 1" = 20'-0"
 ILX RESORTS, INC. 100 PORTAL LANE SECONA, AZ.
 DAN SUPPER ARCHITECT





THE ROCK SPRINGS
FARMERS MARKET
LX RESORTS, INC.
DAN SURBER ARCHITECT

SITE PLAN @ 1" = 30'-0"





COVERED ENTRY OFF PORTAL LANE



COVERED DISPLAY / MARKET



ENCLOSED MARKET BEYOND



DISPLAY UNITS



FOUNTAIN



DEPARTMENT OF COMMUNITY DEVELOPMENT

**Current Planning Division
104 Road Runner Drive
Sedona, Arizona 86336**

Tel : 520-204-7118

Fax : 520-282-5348

TDD: 520-282-3113

E-mail: reastman@city.sedona.net

**SUMMARY SHEET
Conditional Use Permit - Red Rock Springs Farmers Market**

Case number: CUP2000-17

Parcel number: 401-18-012C

Meeting date: September 5, 2000

Applicant: ILX Resorts Inc.

Proposal: Request for a Conditional Use Permit to allow for the continued operation of an outdoor farmers market

Location: 160 Portal Lane

Site size: ± 0.27 acre

Current zoning: C-1 (General Commercial)

Area zoning	Area land uses
North: C-1	Sedona Station Art Gallery
South: RC	Los Abrigados Resort
East: RC	Los Abrigados Resort
West: C-1	Existing retail business

Staff recommendation: Approval with conditions



DEPARTMENT OF COMMUNITY DEVELOPMENT

Current Planning Division
104 Road Runner Drive
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SUMMARY SHEET Conditional Use Permit - Red Rock Springs Farmers Market

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South: RC	Los Abrigados Resort
East: RC	Los Abrigados Resort
West: C-1	Existing retail business

Staff recommendation: Approval with conditions

East side - partially enclosed by existing office building

- The applicant proposes that the Farmers Market will be an amenity or accessory use to the existing resort, and clients of the market will be guests of the resort, Sedona Spa members and other visitors.
- Approximately 800 sq.ft. of the total market area will be indoors and will function as a retail use.
- The outdoor courtyard is approximately 1,500 sq.ft. in area, and the produce bins, tables and other display booths will be established within this courtyard. The applicant is requesting the Conditional Use Permit for the area within the courtyard where products are displayed and sold outdoors.
- The use category is Category A Retail (general retail sales) as defined in the Land Development Code.
- Items to be sold include fresh Arizona grown produce, southwestern spices and condiments, and other small, limited grocery items. The market will not include convenience store retail sales (i.e. no food service sales, no alcoholic beverages, etc.).
- The outside display area will be open 7 days per week (weather permitting) from about 9 a.m. to 5 p.m.
- The Transaction Privilege Tax (TPT) number is 13-034-212-x.
- The courtyard is screened from Portal Lane by an existing wall and wrought iron fence and landscaping, including a large sycamore tree.
- Primary access to the market will be from Portal Lane. Secondary access will be via existing stairs to the adjoining Sedona Station property to the north, and a ramp to the Los Abrigados Resort to the south.
- The overall area of the market is approximately 2,300 sq.ft. (800 sq.ft. of indoor space and 1,500 sq.ft. in the courtyard). Thus a total of 9 parking spaces is required for the market.
- As noted above, most of the visitors to the Farmers Market will be existing resort guests. Thus, a percentage of shared parking can be considered. However, a recently completed parking analysis of the entire Los Abrigados resort based on the current mix of uses and amenities at the resort shows that a surplus of approximately 75 spaces are available.
- No additional exterior lighting is proposed for the Farmers Market.
- A copy of the applicant's letter of intent and site plan as well as photographs of the market area are attached.

COMMENTS AND CONCERNS

Community Development

- Staff is supportive of granting the Conditional Use Permit subject to conditions of approval. As noted below it is staff's opinion that the request to permit the Red Rock Springs Farmers Market to continue to operate meets the findings for granting a Conditional Use Permit (Section 402.06 of the Land Development Code) as well as the standards specific to open air businesses (Section 620.02-C of the Land Development Code).
- Staff suggests that the term of this Conditional Use Permit should be limited to no more than 5 years. This provides a reasonable period of time in which to assess any unforeseen implications of the use of the subject property as a farmer's market. During this period, staff will complete

annual reviews and assessments of the market to ensure that its operation is consistent with Land Development Code requirements and applicable conditions of approval.

- As noted above, there is a significant surplus of parking available at the Los Abridados Resort, even if no shared parking is considered. In addition, the proposed market will be used mostly by guests and visitors to the resort. Staff therefore is of the opinion that parking should not be a problem.

Sedona Fire District

- Portable fire extinguishers shall be provided to the satisfaction of the Fire Marshall.
- Dumpsters larger than 1.5 cubic yard capacity shall not be located within 5 feet of the nearest structure.

Building Safety Division

- No comments or concerns.

Sedona Police Department

- No comments or concerns.

City Engineering Department

- No comments or concerns.

Sedona Main Street

- No comments or concerns.

Coconino County Health Department

- The Department has issued a health permit for the outdoor market.

ANALYSIS

Staff's review focused on:

Compliance with ordinance and reviewing agency requirements

Ordinance requirements and reviewing agency concerns have either been satisfied or will be through application of conditions of approval.

Consistency with the Sedona Community Plan

The development proposal is consistent with the General Commercial designation on the Sedona Community Plan Land Use Map.

Compliance with Conditional Use Permit findings

"Open air businesses" require approval of a Conditional Use Permit in the C-1 (General Commercial) zoning designation. Section 402.06 of the Land Development Code requires that the following findings shall be made before granting a Conditional Use Permit:

- A. *That the proposed location of the conditional use is in accordance with the objectives of the Code and the purpose of the zoning district in which the site is located.*
- B. *That the granting of the conditional use permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this application shall include:*
 - 1. *Property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination.*
 - 2. *Any hazard to persons and property from possible explosion, contamination, fire or flood.*
 - 3. *Any impact on surrounding area resulting from unusual volume or character of traffic.*
- C. *That the characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area.*
- D. *That the proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances.*
- E. *That the proposed expansion or change of a non-conforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.*

It is staff's opinion that the applicant's request to establish the Red Rock Springs Farmers Market on the subject property meets the necessary findings for granting a Conditional Use Permit.

The proposed location of the outdoor portion of the Farmers Market is consistent with the purposes of the RC (Resort Commercial) and C-1 (General Commercial) zoning districts as well as the purposes of the Land Development Code. It is staff's opinion that the proposed outdoor use is an accessory use to the resort and is "designed to serve and provide for the convenience of resort guests." As the applicant has stated in his letter of intent "the Farmers Market concept also provides for use of the Resort "in a more creative and imaginative fashion" and is a "service/commercial use" as part of a "coordinated, comprehensive and harmonious design."

It is staff's opinion that the granting of the Conditional Use Permit for the outdoor portion of the Farmers Market will not materially affect the public health, safety or welfare. There will be no smoke, odor, dust, vibration or illumination; no hazard to any person or property from possible explosion, contamination, fire or flood; and no impact on surrounding areas resulting from an unusual volume or character of traffic since the proposed use is intended primarily as an amenity for Resort guests.

The proposed market is also reasonably compatible with uses in the surrounding area, which consist of the Los Abrigados Resort itself, the Sedona Station retail shops and art galleries, and

Tlaquepaque. Each of these developments include a number of courtyards that promote outdoor type uses.

Section 620.02-C of the Land Development Code establishes specific standards for all open air businesses. These are as follows;

- (a.) *Open air business activities shall be conducted on the same lot or parcel as the primary business with which such activities are associated.*
- (b.) *The outside sales/display area shall be an area enclosed and surrounded by:*
 - 1. *A building or group of buildings*
 - 2. *A masonry wall at least six (6) feet in height (or as otherwise specified for the applicable zoning district)*
 - 3. *A combination of the above.*
- (c.) *The Commission may authorize other screening as an alternative to masonry walls, provided that the outside sales/display area is properly screened from the view of any contiguous property, right-of-way or easement. Alternative screening may include, but is not limited to, fencing, landscaping or dense live plant material.*

In staff's opinion the proposed Farmers Market meets these standards. The Los Abrigados Resort is not situated on one contiguous parcel of land. It is located on a number of parcels under the common ownership of ILX Resorts, Inc. The subject property, while a separate parcel, is fully located within the Los Abrigados Resort property, and the specific lot on which the Farmers Market is situated also houses the indoor retail sales areas of the Farmers Market as well as offices for the resort. As shown on the site plan and photographs, the Farmers Market is completely surrounded on 3 sides by a group of buildings (the retail and office buildings of Los Abrigados and Sedona Station. Additionally, the front of the Farmers Market is partially enclosed by a building as well as a combination masonry/wrought iron wall, and landscaping materials, including a large sycamore tree.

As described above, it is staff's opinion that the Farmers Market is well screened by buildings, a wall, and dense landscaping. Additionally, given its location on the Los Abrigados property, the view of the outdoor display area is completely blocked from contiguous parcels, rights-of-way or easements.

Staff is supportive of granting the Conditional Use Permit for 5 years. This provides a reasonable period of time in which to assess any unforeseen implications of the use of the subject property as a farmer's market. During this period, staff will complete annual reviews and assessments of the market to ensure that its operation is consistent with Land Development Code requirements and applicable conditions of approval.

RECOMMENDATION

Based on compliance with all ordinance requirements and satisfaction of the conditional use permit findings of the Land Development Code, staff recommends approval of case number CUP2000-17 subject to all applicable ordinance requirements and the attached conditions of approval:

Recommended Motion for Approval

I, (*Commissioner*) move for approval of case number CUP2000-17 based on compliance with applicable Land Development Code requirements and the conditions as outlined in the staff report.

Alternative Motion for Denial

I, (*Commissioner*), move for denial of case number CUP2000-17 based on the following findings (*specify findings*).

(Please note that the above motions are offered as samples only and that the Commission may make other motions as appropriate.)

CONDITIONS OF APPROVAL

Red Rock Springs Farmers Market – CUP2000-17

1. The Conditional Use Permit approval shall be valid for a period of five (5) years and shall expire on September 5, 2005. At that time the Planning and Zoning Commission shall reevaluate the Farmers Market based on consistency with City ordinances and the conditions of approval, and compatibility with the surrounding area. During this period, staff will complete annual reviews and assessments of the market to ensure that its operation is consistent with Land Development Code requirements and applicable conditions of approval.
2. All requirements of the Sedona Fire Department shall be satisfied.



August 19, 2010

VIA HAND DELIVERY

Planning and Zoning Commission
City of Sedona
104 Road Runner Drive
Sedona, AZ 86336

Re: Citizen Participation Plan
Project Name: Red Rock Springs Farmers Market, CUP

Dear Sir or Madam:

ILX Resorts Incorporated (applicant) requested a CUP for the continued operation of the outdoor market, Red Rock Springs Farmers Market, located at 160 Portal Lane, Sedona, AZ.

Our Community Outreach Plan consisted of mailing letters of intent (see attached example) to the list of community members provided to us by the City (also attached). Letters were mailed on July 22, 2010. Additionally, a letter was sent to Steve Segner, President of El Portal at 95 Portal Lane, Sedona, AZ.

On or before August 16, three responses were received, all in favor of the continued operation of the Farmers Market. The three responses were from: The Institute of EcoTourism, Tlaquepaque and El Portal (see enclosures). No concerns were expressed from any community member.

We appreciate the City's continued review and consideration of our request for the Conditional Use Permit for the Red Rock Springs Farmers Market.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward S. Zielinski".

Edward S. Zielinski
Executive Vice President Hotel Operations

ESZ/cjs

Attachments/Enclosures

RECEIVED
AUG 19 2010

CITY OF SEDONA
COMMUNITY DEVELOPMENT



July 22, 2010

Steve Segner
El Portal
95 Portal Lane
Sedona, AZ 86336

Re: Letter of Intent – Conditional Use Permit
Project Name: Red Rock Springs Farmers Market

Dear Steve:

The applicant, ILX Resorts Incorporated is requesting a Conditional Use Permit for the continued operation of the outdoor farmers market, Red Rock Springs Farmers Market located at 160 Portal Lane, Sedona, Arizona.

The existing Farmers Market is situated on a separate parcel of land adjacent to the Los Abrigados Resort & Spa. The parcel is a 27-acre site and is currently zoned C-1 (General Commercial). The majority of the market is held within a courtyard that is enclosed on three sides by existing buildings as follows:

North side – Sedona Station Art Gallery
South side – Existing office building and planters
West side – Existing building used as retail space associated with the market
East side – Partially enclosed by existing office and Portal Lane

There have been no material changes to the operation or the function of the buildings.

The applicant proposes that the Farmers Market will continue to serve as an amenity or accessory use to the existing resort, and clients of the market will be guests of the resort, Sedona Spa members and other visitors.

The existing Farmers Market is approximately 800 square feet of indoor retail use with approximately 1,500 square feet of outdoor courtyard with produce bins, tables and other display booths. Presently, the outdoor display is covered by two existing canvas tent structures that were slightly damaged in a recent storm. A new dark green colored canopy will replace the existing canvas tent structures. The new canopy was ordered on June 17, 2010 and is expected to arrive mid-July.

The applicant is requesting the Conditional Use Permit for the area within the courtyard where products are displayed and sold outdoors. The use category is Category A Retail (general retail sales) as defined in the Land Development Code.

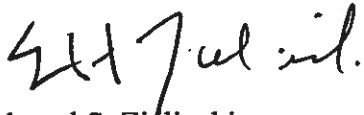
Items that are sold at the Farmers Market include fresh Arizona grown produce, southwestern spices and condiments and other small limited grocery items. The market does not include convenience store retail sales (i.e., no food service sales, no alcoholic beverages, etc.). The outdoor display area is open Mondays, Thursdays, Fridays, Saturdays and Sundays (weather permitting) from about 9 A.M. to 5 P.M.

The courtyard is screened from Portal Lane by an existing wall and wrought iron fence and landscaping, including a large sycamore tree. Primary access to the market is from Portal Lane. Secondary access is provided via existing stairs to the adjoining Sedona Station property to the north and a ramp to the Los Abrigados Resort & Spa to the south.

Parking is provided as part of the overall parking provided for Los Abrigados Resort & Spa; and primarily guests and visitors to the resort use the existing market. No additional exterior lighting is proposed for the existing Farmers Market.

Thank you for your consideration on our request for the Conditional Use Permit for the Red Rock Springs Farmers Market. If you have any questions or need additional information, please call me at (928) 282-0195.

Sincerely,



Edward S. Zielinski
Executive Vice President, Hotel Operations

ESZ/mp



August 16, 2010

Department of Community Development
John O'Brier
Nick Gioello
102 Roadrunner Drive
Sedona, AZ 86336

To Whom It May Concern:

Please accept this as a letter of support for the Red Rock Springs Farmers Market located at 160 Portal Lane, Sedona, Arizona.

In its current use and in the letter submitted by Edward Zielinski for the applicant, Tlaquepaque has no problems whatsoever. We believe that the Farmer's Market is an amenity for the hotel guests and visitors alike from Tlaquepaque.

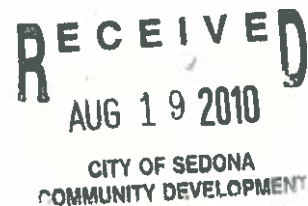
The parking has not ever been an issue and the look of the Farmer's Market compliments our corridor.

Thank you for your time,

Sincerely,

Wendy Lippman
General Manager and Resident Partner
Tlaquepaque

Cc: Edward Zielinski, Executive Vice President



TLAQUEPAQUE ARTS & CRAFTS VILLAGE

P.O. Box 1868 ♦ Sedona, AZ 86339 ♦ 928-282-4838 ♦ fax 928-282-4805 ♦ www.tlaq.com



EL PORTAL

SEDONA'S LUXURY HACIENDA



RECEIVED
8/16/10

Department of Community Development
Current Planning Division
104 Roadrunner Drive
Sedona, AZ 86336
e-mail reastman@sedonaaaz.gov

RE: Conditional Use Permit
Applicant: Red Rock Springs Farmers Market
160 Portal lane, Sedona, AZ Owner: ILX Properties

Dear Planning Commissioners,

This letter is in support of the continued success of the "Farmers Market" noted above. As a neighboring business, El Portal views this business as an amenity for visitors and local residents alike. It is of particular interest that the "Farmers Market" features fresh local Arizona grown produce and other specialty food items unique to the Southwest.

For the past five years it has served our community and without the continued use permit would definitely be missed.

Thank you for your time and consideration regarding this matter.

Sincerely,

Steve Segner, President
El Portal Sedona
Inn Sedona LLC

Cc: Edd Zielinski, Executive Vice President
ILX Resorts Inc.

RECEIVED
AUG 19 2010

CITY OF SEDONA
COMMUNITY DEVELOPMENT



RECEIVED
8/11/10

August 11, 2010

Department of Community Development
John O'Brien/Nick Gioello
102 Roadrunner Drive
Sedona, AZ 86336

To Whom It May Concern:

The Institute of EcoTourism, located at 91 Portal Lane, fully supports the proposed Conditional Use Permit as requested by Edward Zielinski for the Red Rock Springs Farmers located at 160 Portal Lane.

With its fresh Arizona grown produce and specialty items, the Institute views the market as an amenity for both visitors and the local community.

Thank you for your consideration.

Sincerely,

Edith Remy, Ambassador
Institute of EcoToursim

cc: Edd Zielinski

RECEIVED
AUG 19 2010
CITY OF SEDONA
COMMUNITY DEVELOPMENT



DEPARTMENT OF COMMUNITY DEVELOPMENT
Current Planning Division

104 Roadrunner Drive
Sedona, Arizona 86336

Tel: 928-203-5044
Fax: 928-204-7124
TDD: 928-282-3113
bescobar@sedonaaz.gov

Memo

To: Planning and Zoning Commission

Through: John O'Brien, Director *JOB*
Nicholas Gioello, Senior Planner *NRG*
Department of Community Development

From: Beth Escobar, Associate Planner *BE*

Meeting Date: September 7, 2010

Applicant: Pink Jeep Paint Booth

Case number: CUP2010-5

Background:

The original Conditional Use Permit (CUP2005-2) for the Pink Jeep Paint Booth was granted on September 6, 2005. The original permit had a 5-year time limit. The applicant is requesting a five-year renewal of the permit.

Project Summary:

- Pink Jeep operates a body shop and paint booth at the 2090 W. SR 89A location.
- In addition to the paint booth, regular service of the Pink Jeep vehicles as well as safety training of employees occurs at this location.
- The Pink Jeep vehicles are not washed at this property.
- Since the original application, a paint and thinner recycling machine has been installed at the facility.
- All painting of vehicles is contained within an enclosed and vented booth.
- Enterprise Rent-a-Car subleases a portion of the building frontage along SR 89A.
- This facility services only Pink Jeep vehicles.
- A minimum amount of paint is stored on the premises. No paint is mixed at the facility.

REVIEW AGENCY COMMENTS

CITY OF SEDONA ENGINEERING DEPARTMENT

- The applicant must maintain compliance with all applicable federal regulations as cited in 40 CFR Part 63 National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources; Final Rule.

SEDONA FIRE DISTRICT

- The most recent inspection was completed on July 12, 2010. No violations were noted.

No other review agency comments have been submitted.

Compliance with Conditional Use Permit findings

Section 402.06 of the Land Development Code requires that the following findings shall be made before granting a Conditional Use Permit:

- A. That the proposed location of the conditional use is in accordance with the objectives of the Code and the purpose of the zoning district in which the site is located.*
- B. That the granting of the Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this application shall include:*
 - 1. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination.*
 - 2. Any hazard to persons and property from possible explosion, contamination, fire or flood.*
 - 3. Any impact on surrounding area resulting from unusual volume or character of traffic.*
- C. That the characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area.*
- D. That the proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances.*

- E. That the proposed expansion or change of a non-conforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.*

In staff's opinion the application is in compliance with these findings. The Pink Jeep Paint Booth operates within all safety parameters. No complaints have been received regarding this facility. Annual inspections have shown the facility to be in compliance with the Conditions of Approval for CUP2005-2. Staff is supportive of renewing the Conditional Use Permit for the five-year period the applicant is requesting. During this time period staff will continue to regularly monitor the activity at this location.

Staff, as well as the applicant, sent notices of this application to all property owners within a 300-foot radius. The public has submitted no comments.

RECOMMENDATION

Based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings of the Land Development Code, staff recommends approval of case number CUP2010-5 for a period of five years, subject to all applicable ordinance requirements and the attached conditions of approval:

Recommended Motion for Approval

I move for approval of case number CUP2010-5, based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the staff report.

Alternative Motion for Denial

I move for denial of case number CUP2010-5, based on the following findings (specify findings).

Attachments:

1. Letter of Intent
2. Vicinity Map
3. Aerial Map
4. Site Plan (from 2005 application)
5. September 6, 2005 staff report (original permit)
6. Applicant's Citizen Participation Report

CONDITIONS OF APPROVAL
Pink Jeep Paint Booth -- CUP2010-5
(Related application: CUP2005-2)

1. The Conditional Use Permit approval shall be valid for a period of five (5) years and shall expire on September 7, 2015. At least 63 days prior to the expiration date, the applicant shall file a renewal application of the Conditional Use Permit. At that time the Planning and Zoning Commission shall reevaluate the Pink Jeep Paint Booth based on consistency with City ordinances and the conditions of approval, and compatibility with the surrounding area. During this period, staff will complete annual reviews and assessments of the facility to ensure that its operation is consistent with Land Development Code requirements and applicable conditions of approval.
2. All requirements of the Sedona Fire Department shall be satisfied.
3. The applicant must maintain compliance with all applicable federal regulations as cited in 40 CFR Part 63 National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources; Final Rule.
4. The business scope of work shall be limited to the spray painting of vehicles associated with or owned by Northwest Ventures, LLC (Pink Jeeps) and shall be consistent with the applicant's letter of intent.
5. Outside activities, where not specifically prohibited by the Land Development Code, may be performed as follows:
 - On the service apron.
 - In the rear of the shop, in areas not utilized for parking and maneuvering, and fire lanes or other improvements as required by the Land Development.
5. The following activities are prohibited:
 - Dismantling of vehicles or machinery for the sale of parts (auto salvage).
 - On-site, outside storage of automobiles, except for jobs in progress. Such vehicles shall appear to be operable and parked in an orderly fashion in general parking areas, on the service apron or in the rear of the shop.
 - Frame work or major body or fender work.

- E. That the proposed expansion or change of a non-conforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.

In staff's opinion the application is in compliance with these findings. The Pink Jeep Paint Booth operates within all safety parameters. No complaints have been received regarding this facility. Annual inspections have shown the facility to be in compliance with the Conditions of Approval for CUP2005-2. Staff is supportive of renewing the Conditional Use Permit for the five-year period the applicant is requesting. During this time period staff will continue to regularly monitor the activity at this location.

Staff, as well as the applicant, sent notices of this application to all property owners within a 300-foot radius. The public has submitted no comments.

RECOMMENDATION

Based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings of the Land Development Code, staff recommends approval of case number CUP2010-5 for a period of five years, subject to all applicable ordinance requirements and the attached conditions of approval:

Recommended Motion for Approval

I move for approval of case number CUP2010-5, based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the staff report.

Alternative Motion for Denial

I move for denial of case number CUP2010-5, based on the following findings (specify findings).

Attachments:

1. Letter of Intent
2. SCF Arizona draft article (Worker's Compensation carrier)
3. Vicinity Map
4. Aerial Map
5. Site Plan (from 2005 application)
6. September 6, 2005 staff report (original permit)
7. Applicant's Citizen Participation Report

Northwest Ventures
P.O. Box 1447
Sedona, AZ 86336
928-282-9000

June 25, 2010

Nicholas Gioello
Senior Planner
Department of Community Development
104 Roadrunner Drive
Sedona, AZ 86336

Re: CUP2005-2 Pink Jeep Spray Booth

Dear Mr. Gioello:

We are requesting a renewal of the Conditional Use Permit for the Pink Jeep Tours paint booth located at 2090 West SR 89A. The current permit will expire on September 6, 2010.

Pink Jeep Tours has been operating this body shop and paint booth to repair and paint its fleet of 63 tour Jeeps that are used here in Sedona. The paint booth is a valuable tool that allows them to control the quality, cost and timeliness of body and paint repairs to their vehicles. The paint booth and body shop has been operated within the terms of the conditional use permit for the last 4 ½ years. Pink Jeep is always looking at ways to improve processes and reduce waste; and even though it is not required, they have purchased a paint and thinner recycling machine that virtually eliminates any waste by turning waste paint and thinner into fresh paint thinner. Pink Jeep is diligent in keeping up with the filtration and fire suppression systems in the booth to keep it safe and as environmentally friendly as possible. The Sedona Fire Department has always given Pink Jeep positive reviews during their annual inspection.

Please also note that none of Pink Jeep's vehicles are washed on this property. All Jeep washing is done at the 2060 W. Hwy 89 address where we recently installed an oil water separator system that works in conjunction with the mud/sand trap in the wash bays. The installation was approved by the City of Sedona Department of Public Works.

As always, Pink Jeep Tours has made every effort possible to ensure the safety of the employees and the community. In fact, Pink Jeep Tours will be featured in SCF Arizona's quarterly publication in recognition of their excellent safety record (a draft of the article is attached).

I appreciate your time and consideration in this matter.

Sincerely,



Shawn Wendell
Owner

RECEIVED
JUN 25 2010

CITY OF SEDONA
COMMUNITY DEVELOPMENT

Pink Jeep Tours

928.282.5000

800.873.3662

www.pinkjeep.com

DRAFT

RECEIVED
JUN 25 2010

CITY OF SEDONA
COMMUNITY DEVELOPMENT

Riding the red rocks

Pink Jeep Tours blazes safety trail

Working in one of the most scenic places on earth has to be a dream job, but the employees of Pink Jeep Tours in Sedona obviously keep their feet on the ground. The company is celebrating 50 years in business with an unblemished safety record.

Pink Jeep Tours, a SCF Western policyholder, offers Jeep tours in Sedona's Red Rock Country to over 150,000 passengers a year.

The company sets itself apart by modifying its Jeeps for enhanced safety, employing drivers who are experts in Sedona's geological and cultural history, and by using a custom "Las Vegas pink" color on everything – from Jeeps to the espresso machine in the recently opened Pink Java Café.

"The nature of Pink Jeep's business involves taking people out in the beautiful Sedona outback and educating them on the environment in a fun and entertaining way," says Pink Jeep Owner and President Shawn Wendell. "The Jeep tour is the safest part of the adventure. If you think about it, we are taking people out in the elements, walking on un-even terrain and scrambling in and out of the vehicles."

Pink Jeep remains popular, offering about 30,000 tours per year to new and returning customers, by emphasizing safety. All Pink Jeep employees are familiar with the Sedona countryside and aware of steps to stay safe. From the reservation agents, who advise new customers of the importance of wearing proper footwear, to the Jeep drivers, who are trained in cardiopulmonary resuscitation and first aid, safety measures are integral to the daily routine at Pink Jeep.

"The likelihood that someone will trip, skin their knees or get bumps and bruises is part of the territory," Wendell says of the Jeep jaunts. "Our employees make safety a priority. By practicing safe work habits and communicating appropriate safety tips to our customers they can ensure a safe and enjoyable tour experience for everyone."

In addition, Pink Jeep drivers share a respect for their community. With road improvement projects underway through the town of Sedona, Pink Jeep drivers make a point of courteously letting other drivers merge ahead of them into traffic. When other trucks or Jeeps approach a Pink Jeep on a

back-country trail, the Pink Jeep driver pulls over to let the other driver through. The other driver may be less experienced and unable to safely back up or pull over to the roadside.

"That goes back to the concern for the employees as well as the passengers," says SCF Arizona Loss Control Consultant Rusty Summers. "You have people out there who may not be as skillful or knowledgeable, so you yield to them and give them the right of way. That's humbling. That says a lot about their culture, not just with safety but as a company. That's impressive."

Pink Jeep's tours include thrilling four-wheel-drive adventures, climbing trails that tilt the Jeeps at almost 90 degree angles and skirting the edges of giant red boulders to catch breath-taking and dizzying views. When customers get back into town and step off a Pink Jeep, their heads are full of the beautiful and dramatic sights they saw as they rode amid the ancient rock formations – as well as the history they've learned from the driver. They may not realize the many details Pink Jeep oversees to create these tours.

The work for Pink Jeep literally starts from the bottom up. Pink Jeep has a road maintenance crew that ensures the trails are safe. The company also performs in-house vehicle modification and maintenance and driver/guide training and education.

"Our driver training is pretty intense," says Pink Jeep Guide Manager, Chris Davis.

After successful completion of medical and drug screenings, a driver/guide undergoes four to six weeks of training before being cleared to do tours. They complete 18 ridealongs – going as a passenger on the company's different tours to learn about the trails and the ride experience. They train to drive the basic scenic tours on graded dirt roads and work up to more difficult 4x4 tours where the roads are a little more rocky. They then practice on their own, and when comfortable, drive the more difficult trails with a manager and a senior guide onboard for final clearance to do tours.

Driver training is ongoing, with brush-up training and annual evaluations for all drivers. Regardless of the new hire's experience in four-wheeling, the training doesn't vary, Davis says.

"We're going to train them like they've never done it before," Davis says. "This is how Pink Jeep expects the guides to drive the vehicle safely, negotiating the trails and bringing everybody back safely."

The road to becoming a Pink Jeep driver starts in the garage. Before they begin their training, drivers learn about daily vehicle safety inspection from Pink Jeep Service Manager Greg McCallum in Pink Jeep's vehicle service center.

Pink Jeep maintains a fleet of 63 tour Jeeps and 10 support vehicles. The work being performed is tracked closely and the service status of every vehicle is recorded on the service center's work boards. The service center is equipped with the needed personal protective equipment, including face shields for each of the technicians. The center is well-ventilated, items are properly stored, and technicians keep the pathways clear and clean up spills as they happen.

Pink Jeep's vehicles are modified at the Fabrication Center to provide more comfort for passengers and to improve the Jeeps' trail-climbing abilities. The modification work involves metal grinding, welding and painting.

Modifications include custom foam seats, steps for entry and exit, an overhead canopy and a drop-down windshield. A full roll-cage system is installed for passenger safety. Drive-quality enhancements include custom coil springs for a smooth ride, cryo-tech brakes, a long arm suspension and a heavy duty Dynatrac 60 axle assembly for rock-climbing abilities.

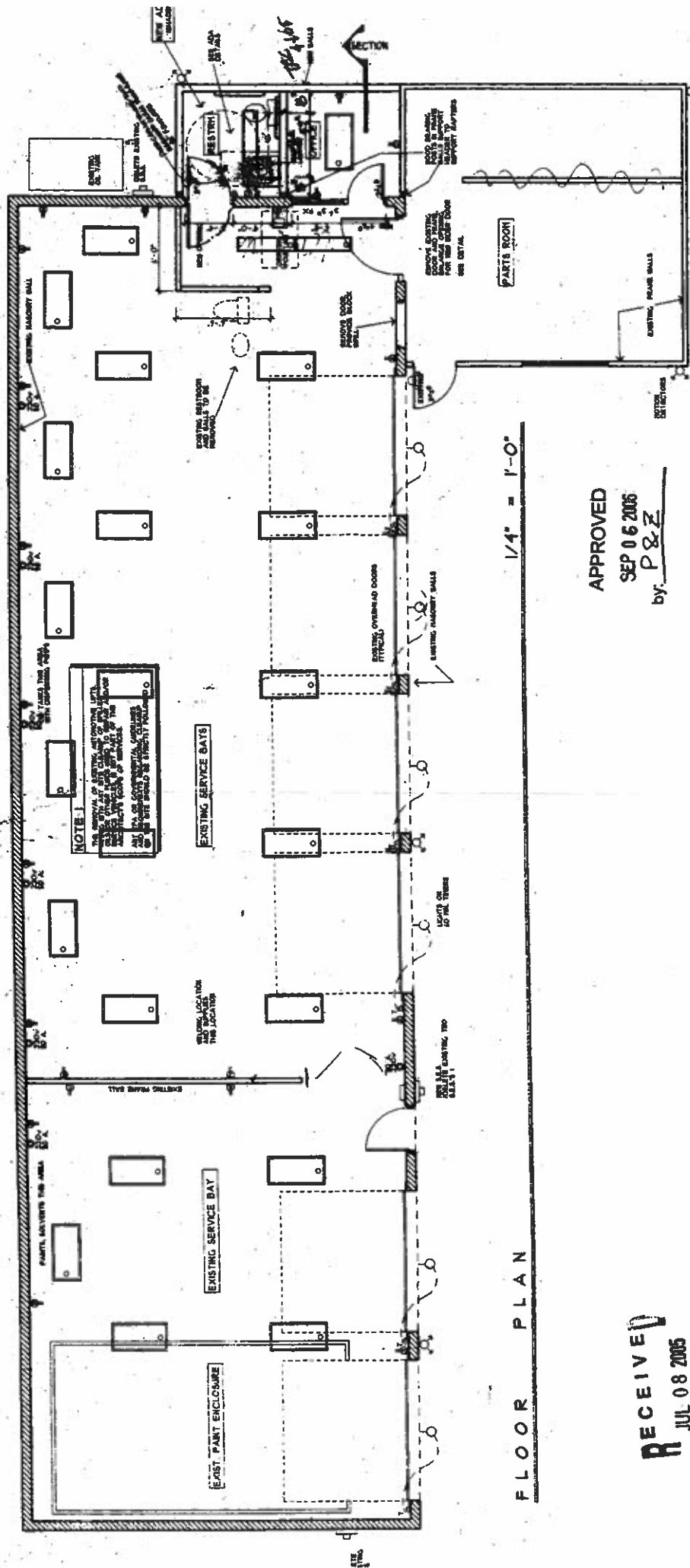
"The way we run the company, we use the best parts and equipment to ensure the Jeeps are safe," McCallum says. "That's why I like it so much."

The results of the hard work in the service center are in evidence during one of Pink Jeep's most rugged and scenic tours, Broken Arrow. The Jeep bounces over rocks in the dirt trail, makes steep climbs up enormous boulders and safely crawls down the notorious "Road of No Return."

As his passengers hold on to straps and brace themselves, Pink Jeep Guide, Dan Swan assures them no one has been hurt on a Pink Jeep tour.

"Nothing we do on a tour is dangerous," Swan says. "We do things that *look* dangerous. Safety is key. It's supposed to be fun, not dangerous."

NORTH WEST
VENTURES
Floor Plan



1/4" 1'-0"

APPROVED
SEP 06 2008
P&Z
by:

FLOOR PLAN

RECEIVED
JUL 08 2005
CITY OF SELMA
COMMUNITY DEVELOPMENT



DEPARTMENT OF COMMUNITY DEVELOPMENT
Current Planning Division

104 Road Runner Drive
Sedona, Arizona 86336

Tel : 928-203-5100
Fax : 928-204-7124
TDD: 928-282-3113
E-mail: ngioello@sedonaaz.gov

SUMMARY SHEET
Pink Jeep Spray Paint Booth – CUP2005-2

Action requested: Conditional Use Permit

Staff recommendation: Approval with conditions

Parcel number: 408-24-030

Meeting date: September 6, 2005

Applicant: Northwest Ventures, LLC

Project summary: Request for a Conditional Use Permit to continue operation of a currently existing spray paint booth.

Location: 2090 West Highway 89A.

Site size: ± 0.67 acres

Current zoning: C-1 (General Commercial)

Current land use: Existing automobile repair facility, car rental agency (Enterprise Rental) and vacant commercial office space.

Current SCP designation: General Commercial

Surrounding land use and zoning:

Area zoning

North: C-3
South: C-1
East: C-1
West: C-1 & RS-10a

Area land uses

Existing commercial development
Existing commercial development
Existing commercial development
Existing commercial development and single-family residential

Summary of issues: Operation of a spray paint facility in conjunction with minor automobile repair.

Report prepared by: Nicholas Gioello, Associate Planner



Current Planning Division

STAFF REPORT

To: Planning and Zoning Commission

Through: John O'Brien, Director
Roger E. Eastman, AICP, Senior Planner
Department of Community Development

From: Nicholas Gioello, Associate Planner
Department of Community Development

Meeting date: September 6, 2005

Applicant: Northwest Ventures, LLC

Case number: CUP2005-2

BACKGROUND

In February of 2003, Mr. Tad Coyner, the owner of Sedona Automotive, met with staff to discuss the expansion of his existing legal non-conforming auto body repair operation within a C-1 (General Commercial) zone. Mr. Coyner operated two types of businesses at this location: automotive repair (which is an allowed use) and a legal non-conforming paint booth with associated minor auto body repair. Prior to the City's incorporation, a previous tenant legally established the paint booth and auto body repair business under Yavapai County standards. A building permit was issued for a new spray paint booth in March of 2002, since it was assumed by staff that this property had been used as an automotive repair facility for a number of years and was probably a legal non-conforming use. At this time, Sedona Automotive operated solely in the rear building.

Mr. Coyner proposed expanding the auto body business into a portion of a vacant building at the front of the property. Staff informed the applicant that only minor bodywork and painting within an enclosed building would be allowed with a Conditional Use Permit within the C-1 zone. Accordingly, the applicant filed a request for a Conditional Use Permit for an auto body shop to be operated in conjunction with the existing automotive repair business (Sedona Automotive), on February 26, 2003.

The Planning and Zoning Commission approved a Conditional Use Permit for minor auto body repair on April 1, 2003 (CUP2003-3). At this time, the spray paint booth was operated by Sedona Automotive, who leased the property from the property owner and current applicant (Northwest Ventures, LLC).

In June of 2004, Code Enforcement staff received a complaint concerning the auto body repair facility, and that the daily operation of the auto body repair did not meet the Conditions of Approval as approved by the Planning and Zoning Commission. Staff conducted an investigation of the auto body operation and the historic use of the property. During this investigation, staff determined that from 1991 to 1994, the property was used as a plumbing repair facility, and therefore the use of this property for automotive and auto body repair could no longer be considered as a legal non-conforming use. Staff advised Tad Coyner, the operator of Sedona Automotive and Sedona Autobody, that a new Conditional Use Permit would be required for the spray paint booth. Shortly thereafter, Tad Coyner closed his business and vacated the property.

The property owner, Northwest Ventures, LLC (Pink Jeeps), approached staff in late 2004 and proposed using the site to repair and maintain its fleet of Pink Jeep vehicles. Staff determined that the applicant could repair and maintain its fleet of vehicles as automobile repair minor, which is an allowed use in the C-1 zone, however a Conditional Use Permit would be required to operate the spray paint booth. The applicant chose to not operate the spray paint booth until a Conditional Use Permit application was filed. The applicant filed for the Conditional Use Permit on July 8, 2005.

SITE CHARACTERISTICS

- Two buildings exist on the property. A portion of the building adjacent to Highway 89a is sub-leased to Enterprise Rent-A-Car (CUP2003-5). The remaining portion of this building is currently vacant. The rear building contains the automotive (Pink Jeep) repair shop area and the proposed spray paint booth.
- The entire site is paved with blacktop and concrete.

DEVELOPMENT PROPOSAL

- The applicant proposes to operate the spray paint booth in the northwest portion of the rear building.
- The proposed spray painting will be conducted within an enclosed and vented booth within the building.
- Only Pink Jeep vehicles will be painted. This is addressed in the conditions of approval.
- The facility is in operation from 7:00 A.M. to 7:00 P.M., seven days a week.
- Paint colors will not be mixed on-site, since the applicant only uses one paint color which is purchased as-is from a paint vendor. Only small quantities of paint will be stored on-site, within a Sedona Fire District approved flammable liquids storage cabinet.

Access and Traffic Issues

- Access to the site will remain as it currently exists.
- No additional traffic impacts are anticipated with the proposed use.

Grading/Drainage

- An underground culvert runs east to west under the rear parking lot, draining properties from the east. The culvert empties into a small wash at the west property line that runs across the neighboring property (Aquarian Concepts). Above ground runoff from the parking lot also empties into the wash at the same point.
- The applicant has agreed to mitigate the issues previously raised by the Engineering Department regarding drainage for the property. These issues are detailed in the Comments and Concerns section that follows.
- The operation related to the spray paint booth will have no direct impact on the drainage from the property

Vegetation/landscaping

- No additional landscaping is proposed.

Signage

- No new signs are proposed.

Outside lighting

- The property is in current compliance with current lighting code requirements.

Property use history

- 1999 – 2004 Sedona Automotive. Automobile repair. Auto bodywork started in 2003.
- 1994 – 1999 Bill Maxwell Automotive Services. Automobile repair.
- 1991 – 1994 Sedona Plumbing.
- 1989 – 1991 Subaru Car Dealership.
- 1985 – 1989 Allred's. Autobody repair.

COMMENTS AND CONCERNS

Community Development

- Staff is supportive of granting the Conditional Use Permit subject to the attached conditions of approval.
- Staff has no concerns with the proposed spray paint booth, provided that the operation is consistent with past performance of the facility and meets all requirements of the Sedona Fire Marshal. Staff has received no prior complaints concerning odor or any other impacts associated with the spray paint booth operation.
- The applicant contacted by mail all property owners within 300-feet with information concerning the proposed expansion, the upcoming public hearing and phone number and mailing address for any questions or concerns with the proposal. One response was received from the neighboring Sedona Rouge, and was favorable to the proposal.

Building Safety Division

- Exhaust termination shall be per the 2000 International Mechanical Code. All electrical work and installation shall require explosion proof fittings and seals.
- The spray paint booth shall require the approval of the Sedona Fire Marshal.

City Engineering Department

- A catch basin with an oil separator insert shall be required at the existing low point where drainage from the parking lot and underground culvert exits the lot. This will be addressed in the conditions of approval.

Sedona Fire District

- The spray paint booth shall be maintained in accordance with the National Fire Protection Association's Standard pamphlet #33, "Standard for Spray Application Using Flammable or Combustible Materials", (2003 edition).
- All buildings shall be equipped with automatic fire sprinklers, fire alarms and an approved key box.
- Dumpsters larger than 1.5 cubic yards shall not be located within five feet of the nearest structure.
- All buildings shall be provided with UL listed portable fire extinguishers.
- Dumpsters shall not be located within five feet of the nearest structure.
- Premises-identification numbers shall be clearly posted prior to final occupancy.

Sedona Police Department

- No comments or concerns.

ADEQ

- No comments or concerns.

Yavapai County Environmental Services

- No comments or concerns.

Other applicable review agencies

- No comments or concerns.

ANALYSIS

Staff's review focused on:

Compliance with ordinance and reviewing agency requirements

Ordinance requirements and reviewing agency concerns have either been satisfied or will be through application of conditions of approval.

Consistency with the Sedona Community Plan

The development proposal is consistent with the Focused Activity Center and General Commercial designation on the Sedona Community Plan Land Use Map.

Compliance with Conditional Use Permit findings

"Automobile repair (general)", which by definition includes vehicle painting, requires approval of a Conditional Use Permit when the proposed operation is located in a C-1 (General Commercial) zone. Section 402.06 of the Land Development Code requires that the following findings shall be made before granting a Conditional Use Permit.

- A. That the proposed location of the conditional use is in accordance with the objectives of the Code and the purpose of the zoning district in which the site is located.*
- B. That the granting of the Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this application shall include:*
 - 1. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination.*
 - 2. Any hazard to persons and property from possible explosion, contamination, fire or flood.*
 - 3. Any impact on surrounding area resulting from unusual volume or character of traffic.*
- C. That the characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area.*
- D. That the proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances.*
- E. That the proposed expansion or change of a non-conforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.*

It is staff's opinion that the request for a Conditional Use Permit to operate a spray paint booth on the subject property meets the necessary findings.

The operation of the existing Pink Jeep vehicle repair and maintenance operation at this location on Highway 89a in West Sedona is appropriate in staff's opinion. The general vicinity is a typical mix of commercial uses including: movie theater, restaurant, art gallery, retail sales, massage therapy and commercial offices. The spray paint booth operation will be compatible with these commercial uses, as well as the existing vehicle repair and maintenance at this location. The existing Enterprise Rent-A-Car (CUP2003-5) at this same location is also seen as a compatible use. There is more than adequate parking available on the site to accommodate the needs for all businesses on the property. The spray paint booth is located at the rear of the property, behind the front building, and is not visible from Highway 89a.

Staff has determined that the scope of work as indicated in the applicant's letter of intent meets the criteria for allowed uses with a Conditional Use Permit in the C-1 District. As described in the Land Development Code, the C-1 District allows for, with a Conditional Use Permit, automobile general repair *"subject to the minimum requirements of the C-2 District"*. The

applicant has indicated that minor vehicle maintenance, repair and spray-painting will only occur on Pink Jeep vehicles. The repair shop will not be open to the general public. Staff has determined that this level of work is consistent with the code requirements for this zoning district.

Existing vehicular movement patterns on the subject property will be maintained. Vehicles entering and exiting the site can do so by using the existing driveway and no significant increase in traffic is expected.

The applicant is working with the City Engineering Department regarding concerns with drainage on the property. Staff will carefully monitor this situation until completion.

In staff's opinion, there will be no detriment to the public health, safety and general welfare from the proposed spray paint booth. All vehicle painting will be conducted within enclosed buildings and not visible from the public right-of-way. The Community Development Department has not received any complaints about past operation of the spray paint booth from any neighboring properties.

The applicant has not requested a specific time frame for the Conditional Use Permit. Staff suggests that the Conditional Use Permit should be approved for five years as this is consistent with previously similar approvals. Also, redevelopment along the highway corridor is probable and future land use changes are likely for the subject property.

RECOMMENDATION

Based on compliance with all ordinance requirements and satisfaction of the conditional use permit findings of the Land Development Code, staff recommends approval of case number CUP2005-2 subject to all applicable ordinance requirements and the attached conditions of approval:

Recommended Motion for Approval

I move for approval of case number CUP2005-2, based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the staff report.

Alternative Motion for Denial

I move for denial of case number CUP2005-2, based on the following findings (*specify findings*).

(Please note that the above motions are offered as samples only and that the Commission may make other motions as appropriate.)

**CONDITIONS OF APPROVAL
CUP2005-2
Pink Jeep Spray Paint Booth**

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all supporting documents and architectural sketches, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes in operation or activities to the approved Conditional Use Permit determined to be substantial by the Director of Community Development shall require reconsideration by the Planning and Zoning Commission at a public meeting.
2. The Conditional Use Permit approval shall be valid for a period of five (5) years and shall expire on September 6, 2010. At least 63 days prior to the expiration date, the applicant shall file a renewal application of the Conditional Use Permit. The Planning and Zoning Commission shall then reevaluate the spray paint booth operation based on consistency with City ordinances, the conditions of approval, and compatibility with the surrounding area. During this period, staff will complete annual reviews and assessments of the spray paint booth to ensure that its operation is consistent with Land Development Code requirements and applicable conditions of approval.
3. The business scope of work shall be limited to the spray painting of vehicles associated with or owned by Northwest Ventures, LLC (Pink Jeeps) and shall be consistent with the applicant's letter of intent.
4. Prior to the issuance of a Certificate of Occupancy, the applicant shall satisfy the following conditions:
 - Prior to the erection of any signs, a Sign Permit shall be obtained from the Department of Community Development.
 - All requirements of the Sedona Fire District shall be satisfied.
 - A catch basin with an oil separator insert shall be required at the existing low point where drainage from the parking lot and underground culvert exits the lot. Manufacturer or engineer's specifications and a long-term maintenance schedule shall be provided to and approved by the City Engineering Department.
5. Outside activities, where not specifically prohibited by the Land Development Code, may be performed as follows:
 - On the service apron.
 - In the rear of the shop, in areas not utilized for parking and maneuvering, and fire lanes or other improvements as required by the Land Development.
6. The following activities are prohibited:
 - Dismantling of vehicles or machinery for the sale of parts (auto salvage).
 - On-site, outside storage of automobiles, except for jobs in progress. Such vehicles shall appear to be operable and parked in an orderly fashion in general parking areas, on the service apron or in the rear of the shop
 - Frame work or major body or fender work.

NORTHWEST VENTURES, LLC

August 16, 2010

To: Zoning Commission

Nicholas Gioello, Senior Planner
Beth Escobar, Associate Planner

Re: CUP2005-2 Pink Jeep Spray Booth

As you know, Northwest Ventures has applied for a renewal of its Conditional Use Permit to operate a paint spray booth at 2090 SR 89A. Part of the renewal process requires us to contact the surrounding neighbors and notify them of our intent to continue use of the paint booth and then supply a Citizen Participation report to the City.

This letter serves as our Citizen Participation report required by the City of Sedona. Below is a summary of the details of how we contacted the surrounding property owners regarding any questions they may have about the paint booth and its operation.

- We received a list of the surrounding property owners from the City of Sedona on July 16, 2010.
- We sent out 18 letters (see attached) to the surrounding property owners.
- Of the 18 letters sent, 2 were returned as undeliverable for parcel numbers 408-24-037A and 408-24-070A.

We have not received any feedback from any of the property owners; nor have we been contacted by the City about any concerns regarding the paint booth. We would gladly respond to any concerns should they arise and will continue to be available for this matter.

Please see the attached letter and list of surrounding property owners contacted.

Sincerely,



Shawn Wendell
Owner

RECEIVED
AUG 18 2010
CITY OF SEDONA
COMMUNITY DEVELOPMENT

Letter to property owners:

**Northwest Ventures, LLC
PO Box 1447
Sedona, AZ 86336
928-282-9000**

July 15, 2010

To: Property Owners within 300' of 2090 S.R. 89A

Re: Conditional Use Permit

Dear Neighbor,

Northwest Ventures, LLC is seeking a renewal of the Conditional Use Permit to operate a paint spray booth at 2090 S.R. 89A. We are required by the City of Sedona to notify all property owners within the general vicinity of our request to renew this operating permit.

The paint booth has been operated by Pink Jeep Tours under a Conditional Use Permit for the last five years. The paint booth meets Sedona Fire Department standards and has a fire suppression system built in that is inspected and serviced annually. The booth also has an industrial ventilation system to trap and filter any paint residue.

The paint booth is used exclusively by Pink Jeep Tours for their fleet of vehicles and will not be used as a retail auto body/paint shop. With the limited number of vehicles being painted and consistent use of one paint color, there is a relatively low amount of paint stored at the facility and very little waste produced. Any waste paint or thinner is recycled using an on-site recycling machine that converts this waste into good usable paint thinner. Other recycling practices are employed throughout the service center to be as eco-friendly as possible.

If you have any questions or concerns, please do not hesitate to contact me, or the Pink Jeep Tours Fleet Manager, Greg McCallum at 282-2191, or Beth Escobar (Associate Planner, Department of Community Development for the City of Sedona) at 203-5044.

Sincerely,

Shawn Wendell
Owner / Northwest Ventures
928-282-9000